

**STATE OF ILLINOIS**  
**EDUCATIONAL LABOR RELATIONS BOARD**

**Minutes of the Meeting held on June 21, 2012**  
**At One Natural Resources Way, Springfield, Illinois**

**I. OPENING OF THE MEETING AT 10:00 A.M.**

**II. PRESENT**

Chairman Lynne Sered; Board Members Ronald Ettinger and Michael Prueter; Executive Director Victor Blackwell; General Counsel Helen Higgins; Special Counsel John Brosnan; staff member Cindy Handy; attorneys Gail Mrozowski and Patrick Murphey; court reporter Molly Hobbie; and observers Renee Nestler, Lisa Daykin, Tom Dixon, Rosalie Dodson, Emily Bell and Ryan Denham (from WJBC Radio) were present. Board Member Gilbert O'Brien; staff members Ellen Strizak, Susan Willenborg and Colleen Harvey; externs Javier Castro and Jack Longquist; and observer Bob Shaevel participated via telephone conference call from the Board's Chicago office. Pursuant to Section 7(a) of the Open Meetings Act, 5 ILCS 120/7(a), Board Member Michael Smith, with prior approval, also participated via telephone conference call. Observer Wendy Smith also participated via telephone conference call.

**III. ORAL ARGUMENT**

**Board of Education of Community Unit School District No. 5, a/k/a McLean County**  
**Unit School District No. 5/AFSCME Council 31**  
**Case No. 2012-CA-0043-S**

Chairman Sered called for counsel for the parties to engage in oral argument on the issue of whether the Board should seek preliminary injunctive relief. Counsel for the parties participated in oral argument on the issue. Following the oral argument, General Counsel Helen Higgins discussed the issue of whether the Board should seek preliminary injunctive relief. Two drafts of a Board opinion and order in the case, one favoring and one opposing preliminary injunctive relief, had been presented to the Board. After discussion, Chairman Sered called for a motion for the Board to approve seeking preliminary injunctive relief. Member Ronald Ettinger so moved, and Member Michael Prueter seconded the motion. The Board voted unanimously, by a voice vote, to seek preliminary injunctive relief and to issue the version of the Board opinion and order favoring injunctive relief.

**IV. APPROVAL OF MINUTES OF MEETING HELD MAY 24, 2012**

After a short break, Chairman Sered called for approval of the minutes of the May 24, 2012 meeting. Member Prueter moved to approve the minutes of the May 24, 2012 meeting. Member Ettinger seconded the motion. The Board passed the motion unanimously, by a voice vote.

**V. BOARD ACTIONS**

1. **Chicago Board of Education/SEIU, Local 73**  
**Case No. 2010-CA-0148-C**

Chairman Sered called the case. Special Counsel John Brosnan presented a memorandum recommending that the Board reverse the Administrative Law Judge's Recommended Decision and Order determining that the employer had violated the Act and decide that the employer did not violate the Act. After discussion, the Board decided to revisit the case at its next meeting.

2. **Chicago Board of Education/SEIU, Local 73**  
**Case No. 2011-CA-0001-C**

Chairman Lynne Sered called the case. Special Counsel John Brosnan presented a memorandum recommending that the Board affirm the Administrative Law Judge's Recommended Decision and Order determining that the employer had violated the Act. After discussion, the Board directed that an Opinion and Order be drafted in accordance with the recommendation.

3. **Illinois State University/AFSCME Council 31**  
**Case No. 2012-RS-0004-S**

Chairman Sered called the case. Associate General Counsel Ellen Strizak presented a memorandum recommending that the Board affirm the Administrative Law Judge's Recommended Decision and Order determining that the employees at issue were supervisors and dismissing the petition. After discussion, the Board directed that an Opinion and Order be drafted in accordance with the recommendation.

4. **Lincoln School District 156/Troyer**  
**Case No. 2011-CA-0015-C**

**Local 943, IFT-AFT/Troyer**  
**Case No. 2011-CB-0003-C**

Chairman Sered called the cases. This was an unappealed Executive Director's Recommended Decision and Order dismissing the unfair labor practice charges. General Counsel Helen Higgins presented the cases. After discussion, Chairman Sered called for a motion for the Board not to take the cases up on its own motion and to issue a final order. Member Prueter so moved, and Member Ettinger seconded the motion. The Board voted unanimously, by a voice vote, not to take the cases up on its own motion and to issue a final order.

**VI. LABOR AND EMPLOYMENT RESEARCH ASSOCIATION MEETING**

General Counsel Helen Higgins informed the Board that there would be a meeting of the Labor and Employment Research Association.

**VII. BUDGET AND FISCAL**

Fiscal Officer Cindy Handy and Executive Director Victor Blackwell presented an update on budget and fiscal matters, which included a discussion of FY 2012 expenditures and the proposed FY 2013 budget.

**VIII. CASE STATUS REPORT**

Executive Director Victor Blackwell presented a case status report.

**IX. STRIKE REPORT**

Executive Director Victor Blackwell presented a strike report update.

**X. LEGISLATIVE UPDATE**

Staff member Colleen Harvey presented a legislative update.

**XI. LITIGATION UPDATE**

General Counsel Helen Higgins presented a litigation update.

**XII. RULES**

Associate General Counsel Susan Willenborg presented a proposed regulatory agenda. Chairman Sered called for a motion to approve the filing of the proposed regulatory agenda. Member Smith so moved, and Member O'Brien seconded the motion. The Board voted unanimously to approve the filing of the regulatory agenda, by a voice vote.

**XIII. ADJOURNMENT**

Chairman Sered called for a motion to adjourn the meeting. Member Ettinger so moved, and Member O'Brien seconded the motion. The Board voted unanimously to adjourn the meeting, by a voice vote.

**ADOPTED AND APPROVED BY THE CHAIRMAN AND MEMBERS OF THE ILLINOIS  
EDUCATIONAL LABOR RELATIONS BOARD THIS 19th DAY OF JULY 2012.**